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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Written statement submitted by the International Educational Development, Inc. a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 February 1993]

THE EXTENT OF VIOLATION OF HUMAN RIGHTS OF WOMEN AND RAPE AS A NEW TYPE OF WAR CRIME IN CROATIA AND BOSNIA AND HERZEGOVINA

1. This report is based on the data of the University Clinics of the School of Medicine, University of Zagreb, as well as on the documentation of major medical centres in Croatia; this report does not encompass individual cases treated in outpatient medical institutions or outside the gynaecological and obstetrics wards. It is extremely hard to obtain medical documentation on that issue due to the following reasons: rape was not systematically reported during the aggression against Croatia and only a small fraction of the cases of mass rape of women in Bosnia and Herzegovina was reported.

2. Before 2 April 1992 rape occurred within the occupied parts of Croatia, especially in the present UNPROFOR Sectors East, West and North. The major sites of rape of captured women were private camps held by local Serbian paramilitaries but one has to emphasize that women from the Vukovar area were raped in the concentration camps Begejci and Stajićevo situated in Vojvodina, Serbia (autumn and winter 1991) in which almost 2,000 civilians from the Vukovar area were imprisoned. After 2 April 1992 (i.e. after the outbreak of the war in Bosnia and Herzegovina) mass rape of predominantly Muslim women became a widespread phenomenon in Bosnia and Herzegovina. Unfortunately, only now has the time come when we are able to record the most unfortunate consequences of those brutal violations of the rights of women - advanced pregnancies and deliveries of unwanted babies. From the timing of events, it is obvious that this will emerge as a mass phenomenon in the near future.

Rape as a strategy in ethnic cleansing - a new kind of war crime

3. The spatial pattern and time schedule of brutal and mass rape clearly demonstrate that mass rape served as a strategy in ethnic cleansing - mass rape occurred in the initial phases of ethnic cleansing in those areas from which Muslims and Croats were later completely expelled (Bijeljina, Zvornik, Foča, Višegrad, Prijedor, Kozarac, Doboj, Modriča). Furthermore, mass rape occurred in the areas flanking the major routes of Serbian military operations serving to expand the "pure Serbian land". Finally, there are clear signs of "synchronized action": mass rape occurred in several places in the same way, leading to the same consequences.

Total number of rape victims

4. In contrast to the limited number of cases recorded with complete medical documentation, there are many more written testimonies and survivor or eye-witness reports, all indicating clearly that rape is a mass phenomenon and a widespread form of war crime in Bosnia and Herzegovina. It is obvious from that documentation that at least several thousand women were exposed to brutal rape and maltreatment. However, the total number of raped and tortured women is definitely much higher - at least one half of the people detained in camps controlled by Bosnian Serbian Army were women and about one third of them were obviously raped; therefore one can estimate that there were at least 10,000 raped and tortured women until now (estimation based on the following data: at least 60,000 people were detained in Serbian camps, half of them being women; one third of that is about 10,000). Finally, official sources from Bosnia and Herzegovina claim that according to their evidence the total number of raped women is even higher - estimates range up to 60,000 raped women!

Types of rape and types of detention "brothels" and camps

5. Systematic rape in Bosnia is a specific method of torture functioning as a tool of psychological warfare and ethnic cleansing - rape is directed and serves the practical aims of aggression and conquest of the new territory. Place: rape occurred (a) within the occupied territory and (b) in various kinds of detention places. Phenomenology: rape was brutal and performed in front of as many people as possible, frequently in combination with arbitrary executions and massacres. Basic scenario: Bosnian Serbian Army units occupy a village/town and establish the so-called "military authorities" consisting

of local Chetniks who know both the area and the people. These "authorities" start to prepare lists of non-Serbians and mark their homes; arbitrary arrests, beatings, murders, deportation of all men into detention camps and rape of the remaining women (including very young girls and elderly women) follow, the perpetrators being either mercenaries or local members of Serbian paramilitary units. Finally, high-ranking Yugoslav Army officers arrive, offering the terrified people permission to leave (in order "to protect them"). Terrified people of course accept this as their only chance to survive and as a consequence Serbs got "ethnically cleansed" territory while the surrounding countries got a huge number of refugees. Rape in detention places: mixed camps (containing detainees of both sexes) were characteristic of Serbia and occupied parts of Croatia, while camps with exclusively female detainees are a feature characteristic of Bosnia and Herzegovina.
Characteristic features of brutal rape are as follows: (1) women were raped many times by many perpetrators, physically tortured and simultaneously forced to do fellatio and to swallow the sperm; (2) women were frequently raped in front of their closest relatives (husband, children, parents) and they were also frequently disfigured, cut with knives or simply shot; (3) a group of women were locked up and repeatedly raped by a number of perpetrators and at least in some cases mother and daughter were raped simultaneously.
Consequences: The outcome of sexual abuse and maltreatment can be as follows: (1) victim stays alive but suffers from serious psychological and physical consequences, frequently aggravated by the fact that one or more members of her family were killed; (2) victim is killed. Furthermore, some victims became pregnant and we recorded three sorts of consequences: (1) abortion performed on enemy territory (usually the victims had to pay a lot of money for that); (2) victim is released soon enough to have a legal abortion and (3) victims are kept in detention until abortion becomes legally impossible.

Age and nationality of victims

6. The majority of raped victims were Muslim women, ranging in age from 6-year-old girls to 80-year-old women. They can be categorized as follows: (1) below 14 years of age, i.e. children (especially frequent in Bosnia and Herzegovina); (2) married or unmarried fertile women and (3) elderly women. It seems that within occupied parts of Croatia most frequent victims of rape were fertile women, while in Bosnia and Herzegovina the most frequent victims of rape were girls quite young, teenagers or even children who were driven to brothel-camps and treated there like white slaves. Several such brothel-camps were registered: Vilina Vlas and Bikavac in Višegrad, Brezovo Polje near Brčko, Vogošća, Vrace Grbavica, Kula, Pale, Hadžići and Ilijaš, all around Sarajevo; Kalinovik, Kotor Varoš, Foča, Prijedor, Rogatica, Zvornik, Šekovići and Nevesinje.

Appeal for protection of endangered women and children in Bosnia and Herzegovina

7. The population of the following partially or completely encircled towns in Bosnia and Herzegovina is presently endangered, suffering from starvation, cold, lack of medical supplies and constant artillery shelling from Serbian military positions: Gradačac, Maglaj, Tešanj, Teslić, Srebrenica, Vlasenica,

Sarajevo (totally encircled towns); Živinice, Banovići, Zavidovići, Kladanj, Žepče, Travnik, Vitez, Bugojno, Busovača, Zenica, Konjic, Breza, Visoko, Jablanica, Prozor (partially encircled towns).

8. More than 1 million people are endangered, half of them women and children. They are endangered due to the fact that they are in cities under attack or completely encircled cities - they will either succumb or be tortured and raped if Serbian forces succeed in entering these places.

Past tragic experience indicates that rape is a crucial strategy in ethnic cleansing in the war against Bosnia and Herzegovina. Therefore, it is the responsibility of the United Nations, world Governments and all humanitarian and feminist organizations, as well as of all people of good will, to prevent further rape and torture as a war crime committed against non-Serbian women and young girls in Bosnia and Herzegovina.

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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-Governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[23 February 1993]

The international community should strike with the full force of law to put an end to the tragedy and horrors that continue to unfold in Bosnia-Herzegovina. As if mass rape, murder, starvation, sniping at civilians, hindrances to humanitarian aid, defiance of the United Nations and all the other horrors which the Bosnian Serbs and their allies in Belgrade are perpetrating were not enough, Bosnia's Deputy Prime Minister H. Turajlic was killed in Sarajevo in January of this year minutes after a meeting with Turkey's Minister of State, who had gone there on a fact-finding mission to determine humanitarian aid needs.

All Serbian actions prove a policy of ethnic cleansing whose purpose is to change borders and settlement patterns in Bosnia-Herzegovina. There is now outrage but little action to stop that. Neither individual Governments nor international bodies could, so far, produce a quick plan of action. There is a general lack of willingness to mount and sustain a major military intervention. The Serbs are counting on keeping what they have taken by force. The big losers will be the Bosnian Muslims, who are now in the bitter role of "Europe's Palestinians".

The most fundamental of all rights of man is the right to life. The State of Serbia attacked and seized the territory of another, violating the right to life of the individuals living there. No change of borders may be accepted. Serbia planned and executed a war of aggression, accompanied by crimes against humanity. According to international law, the killings, torture, rape and expulsion of entire peoples are crimes, whose perpetrators should be punished. EAFORD demands that instances and the identities of those responsible be established without delay. Already, there are witness accounts as proof of mass murders of civilians and mass graves.

The lives of hundred-thousands of people are in danger. Large groups of people are stranded without food and fuel. They depend on outside aid. Soon, they may also be lost on account of hunger, cold, gunfire, beatings and gang rapes. Some Serbian officers are even punishing local Serbian guards for showing some leniency toward the victims. The camp at Omarska has acquired a particular notoriety in this respect. Accounts describe how Serbs would capture towns, such as Visegrad or Sanski Most, and then drive out the Muslim civilians killing most of the men in a sadistic fashion and forcing the others to sign documents saying that they are leaving "voluntarily". Mosques everywhere are systematically destroyed.

Serbs are engaged in a deliberate cruelty for definite political end.

But perhaps there is a longer need to dwell in length on these appalling crimes. We should concentrate more on the responsibility of the outside world. Article 51 of the United Nations Charter is very clear: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations ..." This international organization has to discharge its duty. The "inherent right" of Bosnia is fully operative. We cannot justify an embargo against Bosnia, and also against Croatia, not to buy or receive weapons. They are facing an aggressor, who can continue this armed attack for years to come.

But responsibility not only lies with the Government and the armed forces of Serbia. All Governments which have aided and abetted war crimes are also guilty of "non-assistance" to the victim. EAFORD warns, not only the high officials of Serbia and those individual Serbs who perpetrate these crimes, but also the Western Governments who have the means to assist the victims and frustrate these monstrous crimes, but which do nothing or little in this respect.